

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SCOTT McMAHON and KAREN JOHN,
individually and on behalf of
all other similarly situated

Plaintiffs,

v.

Civil Action No. 5:07CV123
(STAMP)

ADVANCE STORES COMPANY INCORPORATED
d/b/a ADVANCE AUTO PARTS and
DONN FREE,

Defendants.

ORDER SCHEDULING STATUS AND SCHEDULING CONFERENCE

The Court has received and reviewed the parties' planning meeting report filed by counsel pursuant to Rule 26(f) on October 31, 2007 and finds that it would be beneficial to conduct a status and scheduling conference in this case.

Accordingly, it is ORDERED that a status and scheduling conference will be held on **November 7, 2007 at 2:15 p.m.** in the chambers of Judge Frederick P. Stamp, Jr., Federal Building, Twelfth and Chapline Streets, Wheeling, West Virginia 26003.

Counsel should be prepared to discuss their discovery and trial preparation requirements with the Court. The discovery cutoff date, as well as a dispositive motion cutoff date and a trial date will be established at the status and scheduling conference.

The Court will permit those out-of-town attorneys having their offices further than forty miles from the point of holding court to participate in the conference by telephone. However, any such

attorney shall advise the Court prior to the conference of his or her intention to participate by telephone and shall (1) inform all counsel of his or her appearance by telephone; (2) confer with other out-of-town attorneys to determine if they wish to appear by telephone; (3) advise the Court of the name of the attorney who will initiate the conference call and all such attorneys appearing by telephone; and (4) initiate a timely conference telephone call with such attorneys to the Court at 304/233-1120 at the time of the scheduled conference. If the attorneys cannot reach agreement as to the initiator of the call, the Court will make that determination.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: November 1, 2007

/s/ Frederick P. Stamp, Jr. _____
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE